

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 1017 - HB 1085

March 13, 2015

SUMMARY OF BILL: Requires a person who places a collection receptacle in public view for the purpose of collecting donated clothing, household, or other items, to include signage on all sides of the receptacle indicating specified unique information depending on whether (1) the person represents a charitable organization and all proceeds from the sale of donated items will go to the benefit of the specified charitable organization, (2) the person is not a charitable organization and such person intends on retaining all of the proceeds from the sale of donated items, or (3) the person is not a charitable organization, but the person intends on donating a portion or all of the proceeds from the sale of donated items to a specified charitable organization.

Requires the person placing the collection receptacle to obtain written permission to place and operate the collection receptacle from the owner or lessee of the property where the collection receptacle is located. Authorizes the Secretary of State to impose a civil penalty up to \$5,000 for each violation of this bill, subject to appeal through a contested case hearing.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- The Department of State (SOS) reports the bill does not create new violations of the Charitable Solicitations Act, but rather clarifies certain disclosures that should be on the collection receptacles.
- SOS reports the department will be able to utilize current resources and staffing to investigate potential violations.
- There will not be a sufficient number of contested case hearings for state to experience any significant increase in revenue or expenditures.

IMPACT TO COMMERCE:

NOT SIGNIFICANT

Assumption:

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- The provisions of the bill are not expected to alter current operations of charitable organizations, agents acting on behalf of charitable organizations, or businesses which maintain and use collection receptacles. Any impact to commerce is considered not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink, reading "Jeffrey L. Spalding". The signature is written in a cursive, flowing style.

Jeffrey L. Spalding, Executive Director

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